

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

97 SEP 26 PM 12:57

U.S. DISTRICT COURT
N.D. OF ALABAMA

Swb

ENTERED

VIRGINIA MILLER,

Plaintiff,

vs.

STEVENS GRAPHICS, INC.,

Defendant.

CIVIL ACTION NUMBER

SEP 26 1997

96-C-1441-S

MEMORANDUM OF OPINION GRANTING SUMMARY JUDGMENT

In this action under 42 U.S.C. § 2000e-2000e-17 (1994) ("Title VII"), plaintiff Virginia Miller claims that because of her race, she was discriminated against in several aspects of her employment relationship with defendant Stevens Graphics and that Stevens Graphics denied her equal pay because of her sex. Based on the undisputed facts¹, defendant's motion for summary judgment is due to be granted.

I

Plaintiff was employed by defendant on December 29, 1986, as a clerk-typist in the Production Planning Division. On September 28, 1987, she was promoted to the position of secretary in the Customer Service Department. In April 1993, she became a Customer Service Representative I ("CSR"), at a salary of \$22,600.

¹ The *pro se* plaintiff did not controvert the documents submitted by the defendant in support of the motion for summary judgment.

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She became a CSR II in August 1996, at a salary of \$29,600.

Seniority is not a controlling factor in promotions. Promotions are based on experience, performance, merit, and the needs of the company.

Plaintiff has not shown any similarly situated white employee who was paid more than she was paid.

There is no evidence of a racially hostile work environment.

Plaintiff was counseled concerning her job performance on several occasions, and she was warned that she would be placed on probation if her performance did not improve.


There is no evidence that males performing work comparable to that of the plaintiff received higher pay.

II

On these facts, defendant is entitled to judgment as a matter of law.

Summary judgment shall be granted by separate order.

DONE this 26th day of September, 1997.


UNITED STATES DISTRICT JUDGE
U. W. CLEMON